

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JARED BARNHILL,

Petitioner,

v.

Civ. No. 21-1162 WJ/GBW
CR No. 19-01201 WJ

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter comes before the Court on review of the record. Petitioner filed his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence on December 3, 2021. *See doc. 1; CR doc. 158.* On September 9, 2022, the Court filed an Order for Submission of Affidavit, ordering Petitioner “to produce an affidavit clarifying his factual contentions regarding the plea negotiations with the United States between May 20, 2019, and March 23, 2020,” by October 7, 2022. *See doc. 8* at 1, 3. The Court later extended Petitioner’s deadline to submit an affidavit through December 6, 2022. *See doc. 11.*

The Magistrate Judge filed a Proposed Findings and Recommended Disposition (PFRD) on January 10, 2023, recommending that Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (*doc. 1*) be dismissed for Petitioner’s failure to comply with the Court’s Order for Submission of Affidavit (*doc. 8*) and Order Granting Extension of Deadline to

Submit Affidavit (*doc. 11*). *Doc. 12*. Petitioner has filed no objections to the PFRD,¹ and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 12*) is ADOPTED and Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (*doc. 1*; *CR doc. 158*) is DISMISSED WITHOUT PREJUDICE.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE

¹ The mailing containing a copy of the Court's January 10, 2023, PFRD that was sent to Petitioner at the mailing address listed for him on the docket was returned as "undeliverable" on January 25, 2023. *See doc. 14*. The Clerk's Office then mailed Petitioner a copy of the Court's January 10, 2023, PFRD at the address returned for him by a search of the Federal Bureau of Prisons database, and that mailing was not returned as undeliverable.